

### ***AMENDMENT TO THE SPECIFICATION***

Please amend the specification page 8, lines 4-21 with the following version.

**FIGS. 1-2** show an exemplary embodiment of a marker device **100** according to the present invention. Marker device **100** includes a base **110** with an opening ~~**200**~~ **112** and a cone **120**. Opening ~~**200**~~ **112** is preferred to allow stacking of marker devices. The bottom part **142** of flexible means **140** is attached to base **110**, preferably centered over base **110**, and close to the edge **210** of opening ~~**200**~~ **112**, either at the inside of opening **200** or at the top of base **110**. Base **100** provides the support of marker device **100** and keeps the marker device on the ground or surface. Base **110** is shown as a square with round edges **112**. However, base **110** could take any type of shape and could also be made out of any material as long as it provides the required support. The base of the marker device plays an important role in the stability of the marker device. The weight of the base should be significantly larger than the combined weight of all the components that are positioned above the base (see description *infra*). Furthermore, the dimensions of the base should be large enough to support, in a stable fashion, the entire marker device with or without perturbations. The measurement (length and width) of base **110** could be, but is not limited to, about 14" by about 14", which is the standard base size for conventional safety cones in the U.S.A. (e.g. 18" and 28" high cones). The materials that could be used for the base are, for instance, but not limited to, rubber, recyclable rubber, soft/hard plastic, PVC, any type of wood including bamboo or wood compositions, metal, or the like.

Please amend the specification starting on page 9, line 11 continuing on page 10 till line 11 with the following version.

In a preferred embodiment, the cover should have air-passing capabilities, e.g. by having a mesh cover, to make it less wind resistant. Examples of cover materials are for instance, but not limited to, a mesh-type material, vinyl, canvas, polyester, or the like. Furthermore, the outside of the cover could include all kinds of shapes and/or reflective material. Preferred shapes (reflective collar(s), stripes, or other types of regulatory shapes or signs) are the ones recommended by the Government (Federal, State/Province or Local; e.g. the U.S. Department of Transportation including the FAA and/or the Federal Highway Administration) and include common traffic control or warning signs. **FIG. 1** shows an example of a cone **100** with a cover **130**. Cover **130** includes two bands of reflective material that are positioned at two distinct positions on cover **130** according to U.S. Government regulations. **FIG. 1** shows the first reflective band (shaded) positioned at about 3" (inches) from the top of cover **130** and this first band is about 6" (inches) in height. **FIG. 1** shows the second reflective band (shaded) positioned at about 2" (inches) from the bottom of the first reflective band and this second band is about 4" (inches) in height. Any other type of shape or sign can be included and is depended on the type of application. It is possible to use a reflective material that can be attached/assembled to the cover using heat, glue, tape, Velcro, sewing or the like. An example of a suitable reflective material is the ~~3M~~ 8710 reflective material (from ~~the~~ 3M Worldwide Corp.; See U.S. Patent No. 6,656,319 to ~~3M~~ Innovative Properties Company, which is hereby included by reference for all that it discloses) that also has the benefit of about 500 candlelight power.

The present invention is not limited to ~~3M~~ 8710 reflective material or to a reflective material with about 500 candlelight power, since any type of reflective material could be used each with a different amount of reflective intensity (higher or lower), (see e. g. Reflecto-Lite Inc.).

Please amend the specification page 13, lines 6-20 with the following version.

In one embodiment, in particular for the case that the flexible means is a coil, it is also important that during the perturbations the coil does pop through opening 200 ~~112~~. For instance, if the largest diameter of the loops of the coil is the same as or less than the diameter of the opening, then during perturbations (e.g. bending of the coil or pressing the coil downwards) the coil could pop through the opening and one of the bottom loops could get stuck with or under the base. This would be a concern since the coil can then no longer properly restore from the perturbed position back to its original position. To prevent this from happening, the coil in this embodiment would then require that at least one of the bottom loops, e.g. loop **146** of coil **140** has a larger diameter than the diameter of the opening (see top view of **FIG. 2** where different in diameter is shown). In one exemplary embodiment, opening could have a diameter of about 10" and the diameter of at least one of the bottom loop(s) is about 12.5". The present invention is not limited to the number of loops with larger diameters than opening or any particular dimensions. In an alternative embodiment a small recess at the edge of the opening (not shown) could be created, still leaving a large enough opening for stacking with another marker device, to provide support to the coil and prevent it from popping through.

Please amend the specification page 14, lines 1-14 with the following version.

**FIG. 6** shows a situation where a moving car **600** runs into and over a marker device of the present invention, i.e. a direct (contact) perturbation force. When car **600** hits marker device **610** with bumper **620** (i.e. a high speed impact), base **630** remains on the ground and only the flexible means and cover bend as indicated by **640**. In the example of **640**, the impact of the car with the flexible means causes the original position of the flexible means (see e.g. **FIG. 1**) to quickly change to deviated position **640** with large deflections of different part of the cone (flexible means and cover). To sustain such an impact, the flexible means requires a fast impulse response. When marker device **650** is under the car, base **630** could rock but does not permanently tip over mainly due to its weight and the flexible means responding (see **660**) to the impact and perturbation. The flexible means and therewith the cone also quickly re-positions itself to the original (upright) position when the car is no longer on top of the marker device as indicated by **670**. During the perturbation, the base of the marker device of the present invention might undergo some rocking motion(s), however, once the perturbation disappears the base of the marker device will return to its original and stable position.